

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

General Permit No. 197800125  
Name of Permittee: General Public  
Effective Date: July 24, 2000  
Expiration Date: December 31, 2004

**DEPARTMENT OF THE ARMY  
GENERAL (REGIONAL) PERMIT**

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and renewed by authority of the Secretary of the Army by

District Engineer  
U.S. Army Engineer District, Wilmington  
Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

TO MAINTAIN, REPAIR AND CONSTRUCT **BOATRAMP FACILITIES** IN NAVIGABLE WATERS AND WATERS OF THE UNITED STATES IN THE STATE OF NORTH CAROLINA.

1. Special Conditions

a. Structures authorized by this general permit are boatramps constructed of treated wood, concrete, steel, aluminum, broken concrete, marl, brick or rock riprap; associated piers; docks and mooring piles, conforming to the standards contained herein. Other construction activities are not authorized by this general permit.

b. Boatramps authorized by this general permit will be no wider than 15 feet and will not extend farther waterward than 20 feet from the mean high water (MHW) elevation contour in tidal areas or from the normal water level (NWL) elevation contour in nontidal areas.

- c. This general permit is applicable on sections of shorelines that are void of wetland vegetation. This general permit does not authorize the excavation of, or the discharge of any excavated or fill materials in, marsh grass, forested wetlands or submerged aquatic vegetation (SAV).
- d. Excavation and discharge of excavated or fill material waterward of the mean high water (MHW) or the normal water level (NWL) elevation contours will be limited to that necessary to establish an adequate and safe ramp slope and to provide a boatramp no larger than specified in 1.b. above.
- e. Any piers or docks, associated with a boatramp facility, will be open-pile or floating structures designed to accommodate loads not less than 50 pounds per square foot. Piers or docks will be no wider than six (6) feet and no longer than necessary to accommodate boatramp activities. Floating structures will be supported by material that will not become waterlogged or sink when punctured and will be installed to provide for fluctuations of water elevation and not break away. Mooring piles may be of wood, metal or pre-cast concrete. Construction of piers and docks will conform to the special conditions of general (regional) permit No. 197800056.
- f. The general permit **does not** authorize any structure closer than 85 feet to the near bottom edge of Federally maintained, 90-foot-wide navigational channel of the Atlantic Intracoastal Waterway (AIWW).
- g. This general permit **does not** authorize construction across or into any natural or manmade channel or waterbody so as to adversely affect navigation by the general public. No structure will extend or be located farther than one-third of the way across any waterbody, and no structure will be placed closer than 15 feet to a property line, extended perpendicular to the waterbody channel, without the concurrence of the adjacent property owner.
- h. If the display of lights and signals on any authorized structure is not otherwise provided for by law, such lights and signals, as may be prescribed by the U.S. Coast Guard, will be installed and maintained by and at the expense of the permittee.
- i. The permittee will maintain authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- j. It is possible that an authorized structure may be damaged by wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the permitted structure and the safety of moored boats. The permittee will not hold the United States liable for any such damage.
- k. This general permit **does not** authorize any structure or associated facility for a nonwater related use.

l. If the permitted work is on lands subject to an easement in favor of the United States for the operation, maintenance, improvement, and enlargement of the Atlantic Intracoastal Waterway (AIWW), the permittee will remove such structures and improvements at his own expense in the event that, in the judgment of the U.S. Army Corps of Engineers acting on behalf of the United States, the lands are needed at any time for any purpose within the scope of the easement. Permanent buildings will not be constructed within the easement.

m. Individuals seeking to verify the authority for construction pursuant to this general permit should provide the following information to:

District Engineer  
Wilmington District  
Regulatory Division  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

(1) Name, address and telephone number.  
(2) Location of work, including waterbody, nearest community and county.  
(3) Characteristics of the structure, i.e., width, distance from shoreline and type of material.

n. This general permit is not applicable to any work on Atlantic Ocean beaches.

## 2. General Conditions

a. All activities authorized by this general permit that involve the discharge of dredged or fill material in waters of the United States will be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pre-treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344) and applicable State and local law. If the proposed activity involves the discharge of dredged or fill material in waters of the United States, prior to the commencement of any work, the applicant will satisfy the North Carolina Division of Environmental Management (NCDENM) regarding the need for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

b. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of activities authorized by this general permit.

c. A permittee, upon receipt of written notice from the Wilmington District Engineer of failure to comply with the terms or conditions of this general permit, will, within 60 days, without expense to the U.S. Government, and in such manner as the Wilmington District Engineer may direct, affect compliance with the terms and conditions or return the worksite to a pre-work condition.

d. The permittee must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.

e. The permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 50 NTU's or less in all rivers not designated as trout waters by the North Carolina Division of Environmental Management (NCDEM), 25 NTU's or less in all saltwater classes and in all lakes and reservoirs, and 10 NTU's or less in trout waters, are not considered significant.

f. The permittee will permit the Wilmington District Engineer or his representative to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

g. This general permit **does not** convey any rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein. These may include, but are not necessarily limited to, a Dredge and/or Fill Permit (N.C.G.S. 113-229), a Coastal Area Management Act (CAMA) Permit (N.C.G.S. 113A-118), an Easement to Fill (N.C.G.S. 146-12) and a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

h. Authorization provided by this general permit may be either modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this general permit shall be five years. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the U.S. Government.

i. This general permit **does not** authorize the interference with any existing or proposed Federal project and the permittee will not be entitled to compensation for damages or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. This general permit will not be applicable to proposed construction when the Wilmington District Engineer determines that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

k. This general permit will not be applicable to proposed construction when the Wilmington District Engineer determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by State and local entities.

(2) National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of Interior or Commerce and concerned in accordance with the Endangered Species Act (16 U.S.C. 1531).

l. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program which prohibits any development, including fill within a floodway that results in any increase in base flood elevations.

m. At his discretion, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

James W. DeLony  
Colonel, U.S. Army  
District Engineer